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                     BEFORE THE
                ILLINOIS COMMERCE COMMISSION
 2
      IN THE MATTER OF:
 3
      CRAIG LAWRENCE
 4
                                       ) 00 -0162
      vs.
 5
      ILLINOIS BELL TELEPHONE COMPANY )
 6
      Complaint as to local toll
      charge billing & pricing, and
                                       )
      violations of Ill. Adm. Code,
                                       )
 8
      Chap. 1, Part 735 in Chicago,
      Illinois
 9
                       Chicago, Illinois
                       April 19, 2000
10
11
                  Met, pursuant to notice.
      BEFORE:
12
        MS. ERIN O'CONNELL-DIAZ
13
        Administrative Law Judge.
14
      APPEARANCES:
15
             MR. CRAIG LAWRENCE
             2513 North California Avenue, Suite 110
16
             Chicago, IL 60647
17
                  pro se;
18
             MS. MARY BETH JORGENSEN
             225 West Randolph Street, HQ29B
19
             Chicago, IL 60602
                  for Ameritech.
      SULLIVAN REPORTING COMPANY, by
20
        MICHAEL R. URBANSKI, C.S.R.,
21
        License No. 084-003270
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1		INDEX	
2			
3	Mi boogge	Re - Direct Cross direc	Re- By
4	witnesses:	Direct Cross direc	t cross Examiner
5			
6		EXHIBITS For Identification	In Evidence
7	APPLICANI 5 I	for identification	III EVIGENCE
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

- 1 JUDGE O'CONNELL-DIAZ: Pursuant to the
- 2 direction of the Illinois Commerce Commission I
- 3 now call Docket No. 00-0162, and this is in the
- 4 matter of Craig Lawrence versus Illinois Bell
- 5 Telephone Company, complaint as to local toll
- 6 charge billing and pricing in violations of
- 7 Illinois Administrative Code, Chapter 1, Part 735,
- 8 in Chicago.
- 9 May I have the appearances for the
- 10 record, please.
- MR. CRAIG LAWRENCE: Craig Lawrence,
- 12 myself.
- JUDGE O'CONNELL-DIAZ: And, sir, you are the
- 14 complainant in this matter, correct?
- MR. CRAIG LAWRENCE: Yes, ma'am.
- 16 JUDGE O'CONNELL-DIAZ: Could you state your
- 17 address for the record?
- 18 MR. CRAIG LAWRENCE: 2513 North California
- 19 Avenue, Suite No. 110, Chicago.
- 20 MS. JORGENSEN: On behalf of Ameritech
- 21 Illinois, I'm Mary Beth Jorgensen, 225 West
- 22 Randolph, Suite 29-B, Chicago, 60606. My phone

- 1 number is 312-727-1286.
- 2 I request the Examiner's permission
- 3 to appear. I work for Mark Kerber at Ameritech,
- 4 Illinois. I'm licensed in Maryland and I have
- 5 appeared in dockets before the Commission
- 6 previously.
- 7 JUDGE O'CONNELL-DIAZ: Motion so granted.
- 8 Mr. Lawrence, and, Miss Jorgensen,
- 9 have the parties had an opportunity to discuss
- this matter with regard to settling any issues
- 11 that are noted in the complaint?
- MS. JORGENSEN: Not between the two of us,
- 13 no.
- 14 JUDGE O'CONNELL-DIAZ: Well, I think what
- 15 I'm going to do then is ask Mr. Lawrence to just
- state for the record what his complaint is.
- I have read your complaint, but I'd
- 18 like to just get that on the record and then I
- 19 think it would be prudent if -- I mean, have
- 20 you -- are you going to do some discovery or --
- MS. JORGENSEN: We don't need to do
- 22 discovery. We have the information that we need.

- 1 JUDGE O'CONNELL-DIAZ: Okay. Will you be
- bringing witnesses in?
- 3 MS. JORGENSEN: We will be filing a motion
- 4 to dismiss, I believe, because we believe the
- 5 matters are covered by the tariff and the rules.
- 6 JUDGE O'CONNELL-DIAZ: You're not an
- 7 attorney, are you?
- 8 MR. CRAIG LAWRENCE: No, I'm not.
- 9 JUDGE O'CONNELL-DIAZ: It seems that the
- 10 company is going to file what we would call a
- 11 dispositive motion. They have not done so as of
- 12 yet.
- 13 When they do file that motion to
- 14 dismiss, you will have an opportunity to respond
- to the motion to dismiss setting forth your
- 16 response to whatever they have included in their
- motion to dismiss. And at that juncture, I will
- 18 review the motion to dismiss as well as your
- 19 response and make a ruling in accordance with the
- 20 law and in accordance with what is set forth in
- 21 both your response and their motion to dismiss.
- 22 As I read your complaint, it seems

- 1 that your allegations have to do with billing for
- the different bands and your Internet usage.
- 3 Is that correct?
- 4 MR. CRAIG LAWRENCE: It has to do with the
- 5 local toll charge billing as well as numerous
- 6 violations of the ICC code.
- 7 JUDGE O'CONNELL-DIAZ: I had one question as
- 8 I read your complaint. Your complaint was filed
- 9 February 14th.
- 10 MR. CRAIG LAWRENCE: Correct.
- JUDGE O'CONNELL-DIAZ: Your service was
- 12 disconnected on December 13th.
- 13 MR. CRAIG LAWRENCE: It was disconnected at
- one time and then reconnected.
- JUDGE O'CONNELL-DIAZ: So it is now in
- 16 service?
- MR. CRAIG LAWRENCE: No, it is not. It's
- 18 been disconnected since, I believe, February.
- 19 JUDGE O'CONNELL-DIAZ: Was it disconnected
- 20 prior to your filing a complaint here?
- 21 MS. JORGENSEN: I believe it was
- 22 disconnected on January 20th, if I may interrupt.

- 1 MR. CRAIG LAWRENCE: It was disconnected on
- 2 December 13th and I called Ameritech and I called
- 3 the Commission because at that point I believe I
- 4 was in the informal complaint process and they
- 5 reconnected my service and I guess it went on to
- 6 formal complaint.
- 7 And while I had told the Commission
- 8 that I intend to file formal complaint and they
- 9 had sent me the paperwork, it had not been filed.
- 10 I believe at the time that they disconnected my
- 11 service, it might have been in January.
- 12 And it has never been reconnected
- 13 even though I have called Ameritech executive
- 14 offices and explained to them that there is a
- 15 current case, formal complaint on file. It still
- 16 remains disconnected.
- 17 JUDGE O'CONNELL-DIAZ: The problem is that
- 18 if you had gone right to the formal complaint
- 19 prior to it being disconnected, they would not be
- 20 allowed to disconnect it, but because there's that
- 21 lag time, the company was within their rights to
- 22 disconnect.

- 1 Is this your only -- is this your
- 2 fax line versus --
- 3 MR. CRAIG LAWRENCE: It was a second line,
- 4 yes.
- 5 JUDGE O'CONNELL-DIAZ: So you do have phone
- 6 service?
- 7 MR. CRAIG LAWRENCE: I do, but during the
- 8 time that this account has been in dispute, I have
- 9 been paying the local charges, the maintenance
- 10 charges on the account, yet it's still
- 11 disconnected.
- 12 And I have called them to direct
- 13 them to make sure that they know that the funds
- 14 that I'm sending in is just to keep my phone
- 15 service on and is not intended to go towards the
- disputed amount, but yet it's been disconnected
- 17 and I'm not sure what they have done with those
- 18 funds.
- 19 JUDGE O'CONNELL-DIAZ: Counsel.
- 20 MS. JORGENSEN: Oh, sure, I don't know the
- 21 answer to the question as to what has occurred
- 22 with those funds but I will definitely check into

- 1 that one.
- JUDGE O'CONNELL-DIAZ: Do you use this fax
- 3 line for business purposes or --
- 4 MR. CRAIG LAWRENCE: It was a personal fax
- 5 line. I used it for fax and Internet service. I
- 6 have since, you know, subscribed to a different
- 7 service since it's obviously been the phone
- 8 company's intent not to reconnect my service.
- 9 My understanding was that once
- 10 they -- I could prove that I have a formal
- 11 complaint -- I was directed by the people at the
- 12 ICC to go through first the -- I believe it was a
- 13 written complaint, then the informal and then the
- 14 formal and to take the various steps before I --
- instead of going directly to a formal complaint so
- 16 I followed the recommended procedure for
- 17 complaints and my understanding was that once I
- 18 could prove that I had a current formal complaint
- on file that they would have to reconnect the
- 20 service, especially since I have continued to pay
- 21 the local, you know, the service charges to keep
- the line in order, in working order.

- JUDGE O'CONNELL-DIAZ: Counsel, any response
- 2 to that?
- 3 MS. JORGENSEN: No. I mean, I will -- we
- 4 will identify --
- 5 JUDGE O'CONNELL-DIAZ: I mean this is a
- 6 formal complaint.
- 7 MS. JORGENSEN: Yeah.
- 8 JUDGE O'CONNELL-DIAZ: And pending the
- 9 outcome of it, I think that would be the
- 10 appropriate time to disconnect service, so. . .
- 11 MS. JORGENSEN: It's not been our practice
- 12 to reconnect when a formal complaint has been
- 13 filed if the service has already been
- 14 disconnected. That would --
- 15 JUDGE O'CONNELL-DIAZ: The service was
- 16 disconnected January 20th.
- MS. JORGENSEN: Uh -huh.
- JUDGE O'CONNELL-DIAZ: What was the last
- 19 date you were at the Commission with your
- 20 informal --
- 21 MR. CRAIG LAWRENCE: January 20th. I
- 22 believe I was waiting for the Commission to send

- 1 me the paperwork for the formal complaint, because
- 2 they sent my a large packet from Springfield.
- When I received the paperwork, I
- 4 believe it was the beginning of February, I called
- 5 Ameritech executive offices and spoke to a Jan
- 6 Kelsey and told them my intention to file a formal
- 7 complaint.
- 8 I explained to them that I have the
- 9 paperwork in hand and I'm going to be sending it
- in and that it's been in dispute since last year.
- 11 And they said, well, there's
- 12 nothing we can do about it. The service has been
- 13 disconnected and they have no proof that the
- 14 formal complaint has been filed and until they
- 15 hear from the Illinois Commerce Commission,
- 16 they're not going to reconnect it.
- So I did call Carol Mastro, the
- 18 mediation coordinator who I had been dealing with,
- 19 and asked her to contact -- actually, you know
- 20 what, at that time I couldn't get ahold of her and
- 21 I spoke with an assistant in Springfield who told
- 22 me that they would call Ameritech and see if they

- 1 would be willing to reconnect the service as soon
- 2 as they received my complaint.
- 3 But apparently nothing was --
- 4 became of that.
- 5 JUDGE O'CONNELL-DIAZ: Counsel, could you
- 6 check into that?
- 7 MS. JORGENSEN: Yes.
- 8 JUDGE O'CONNELL-DIAZ: I think we have about
- 9 a two-week lag time. It seems that he's not
- 10 trying to duck the bill. He's contesting it and
- if he's been making payments on it, I think that's
- 12 a good faith effort. I would think it would be
- 13 prudent for the company to look into reconnecting
- 14 that service pending the outcome of this
- 15 complaint.
- 16 MS. JORGENSEN: Okay. I know that on
- 17 December 13th we had informed the Commission,
- 18 Carol Mastro, that we would not be interested in
- 19 mediation. We didn't want mediation at that
- 20 time. And that was -- that is the last note I had
- 21 until later January, early February.
- 22 So in our view, we were, you know,

- 1 we were done at that point.
- But I will look into that.
- 3 MR. CRAIG LAWRENCE: Well, except that --
- 4 JUDGE O'CONNELL-DIAZ: But it was turned
- 5 back on.
- 6 MR. CRAIG LAWRENCE: Yeah, the same day.
- 7 MS. JORGENSEN: It was disconnected on
- 8 December 9th and restored on December 9th.
- 9 And then because the mediation
- 10 request was still pending and then we declined
- 11 mediation on December 13th, and so then it was
- 12 disconnected the subsequent billing cycle because
- there wasn't a hold on the account at that point.
- MR. CRAIG LAWRENCE: I show that it was
- 15 disconnected on the 13th and I called the Illinois
- 16 Commerce Commission who then called Ameritech and
- 17 had them reconnect the service because of my
- 18 intention, even if they denied mediation, of my
- 19 intention to go through with an informal
- 20 complaint.
- 21 JUDGE O'CONNELL-DIAZ: I would like to see
- 22 the service restored pending the outcome of this

- 1 complaint.
- I think that Mr. Lawrence has
- 3 followed through with all of our procedures and
- 4 I'm in no way suggesting that the merits of your
- 5 complaint -- I'm not ruling on that.
- 6 I'm just stating that -- and
- 7 actually the company has the right to disconnect
- 8 but I think that he's made a good faith effort to
- 9 follow through with the procedures, so if that
- 10 could occur, that would be great.
- 11 MR. CRAIG LAWRENCE: The disconnections were
- 12 simply an observation that I had made during this
- dispute process.
- I mean, the heart of my argument in
- this dispute is over the local toll charges
- 16 really.
- JUDGE O'CONNELL-DIAZ: I understand that.
- 18 And so that you understand and I'm
- 19 sure you probably explored the issues that are
- 20 involved here, but the company has certain tariffs
- on file that permit them to bill in a certain way,
- 22 and I believe what I'm hearing from counsel is

- 1 they're going to file a motion to dismiss setting
- 2 forth what those tariffs are and that those
- 3 tariffs have been approved by the Commission.
- 4 However, you do have an opportunity
- 5 to respond to that and I will consider any
- 6 arguments that you raise. Also, I don't really
- 7 know what they're going to file other than what
- 8 counsel has noted to me, but I think that you have
- 9 followed all the steps that are necessary when one
- 10 does have a complaint and I would --
- 11 MR. CRAIG LAWRENCE: Does that change what
- 12 happens here today, what their intention to file
- 13 that --
- JUDGE O'CONNELL-DIAZ: No. What's going to
- 15 happen is I am going to set this for another
- 16 date.
- 17 However -- how soon will you be
- 18 filing a motion to dismiss?
- 19 MS. JORGENSEN: We should get it to you in
- two weeks, May 3rd?
- JUDGE O'CONNELL-DIAZ: Okay. What's going
- 22 to happen logistically, Mr. Lawrence, is they're

- 1 going to file a motion.
- 2 You will be served with a copy of
- 3 that motion and I will give you adequate time
- 4 within which to respond in writing.
- 5 It will be a written motion. We
- 6 will not have a hearing on the motion.
- 7 And I will give you an opportunity
- 8 to respond to that motion pursuant to our rules.
- 9 You will respond to it in writing. Then I will
- 10 take both whatever the company has filed and you
- 11 and I will consider it and I will issue a ruling
- 12 either granting the motion to dismiss or denying
- 13 the motion to dismiss.
- 14 If I deny the motion to dismiss,
- then we will go forward with further hearings in
- 16 this matter.
- 17 MR. CRAIG LAWRENCE: Okay. So you'll have
- 18 to forgive me because I'm not an attorney.
- 19 JUDGE O'CONNELL-DIAZ: That's why I'm trying
- 20 to explain it to you.
- 21 MR. CRAIG LAWRENCE: So the argument and
- 22 subsequent decision that you would make is not

- 1 going to take place today?
- JUDGE O'CONNELL-DIAZ: No.
- 3 MR. CRAIG LAWRENCE: It's going to happen in
- 4 a written form?
- 5 JUDGE O'CONNELL-DIAZ: It's going to happen
- 6 in a written form.
- 7 But I'm not saying that I'm going
- 8 to grant their motion or I'm going to grant your
- 9 complaint by my ruling. I will have to see what
- 10 is filed and I will make a ruling.
- 11 I'm looking at a date here because
- 12 I want to give you enough time, understanding that
- 13 you are not a lawyer and I would think that if you
- want to file a meaningful response that you'll
- want enough time to be able to do that.
- MR. CRAIG LAWRENCE: Right.
- JUDGE O'CONNELL-DIAZ: I'm looking, if
- 18 they're going to file their motion to dismiss on
- 19 May 3rd, I would like to give you like three weeks
- 20 to respond to that. Is that enough time? Or I
- 21 don't know what your calendar is like in May.
- MR. CRAIG LAWRENCE: When you said that they

- 1 would have to serve me.
- JUDGE O'CONNELL-DIAZ: They will send you a
- 3 copy of the motion.
- 4 MR. CRAIG LAWRENCE: By mail?
- 5 JUDGE O'CONNELL-DIAZ: By mail.
- 6 So you don't need to come back here
- 7 for that. Then you would have to file something
- 8 in response to what they file.
- 9 MR. CRAIG LAWRENCE: Right. So the
- 10 arguments will not be heard here today?
- JUDGE O'CONNELL-DIAZ: No, they will not.
- MR. CRAIG LAWRENCE: Well, I will be out of
- 13 town until May 11th. And at that point I would
- 14 like, if possible, 30 days from May 11th.
- 15 JUDGE O'CONNELL-DIAZ: Okay.
- MR. CRAIG LAWRENCE: So that I have adequate
- 17 time to research it, and since I won't be
- 18 receiving my mail when I'm out of town.
- 19 JUDGE O'CONNELL-DIAZ: How about June 15th?
- MR. CRAIG LAWRENCE: Sounds good.
- JUDGE O'CONNELL-DIAZ: Fair?
- 22 Is the company going to require a

- 1 little more time considering I'm giving the
- 2 complainant very much leeway, do you need
- 3 additional time to file your motion to dismiss?
- 4 MS. JORGENSEN: I would be happy to file it
- on the 9th instead of the 3rd, given that we're
- 6 not going to be generating a response right away.
- 7 That would be --
- 8 JUDGE O'CONNELL-DIAZ: So the company's
- 9 motion that they intend to file will be filed on
- 10 May 9th, and the response by the complainant will
- 11 be due June -- let's make it June 16th, so you got
- 12 a whole week. And --
- MR. CRAIG LAWRENCE: So the --
- JUDGE O'CONNELL-DIAZ: Will the company be
- able to file their reply 23rd? Or the 26th?
- 16 MS. JORGENSEN: I think so.
- JUDGE O'CONNELL-DIAZ: So the company
- 18 response will be due June 26th.
- 19 MR. CRAIG LAWRENCE: So my written response
- to their case will be due on the 16th?
- JUDGE O'CONNELL-DIAZ: 16th.
- MR. CRAIG LAWRENCE: That will be done by

- 1 mail?
- JUDGE O'CONNELL-DIAZ: Yes.
- What you need to do, sir, is you
- 4 need to file that with our clerk's office in
- 5 Springfield and obviously you have that
- 6 information since you filed your complaint.
- 7 And you will also have to serve a
- 8 copy -- you can do it via mail, a copy on
- 9 Miss Larkin -- you have Theresa Larkin. Is that
- 10 the person --
- 11 MS. JORGENSEN: She's the overall head --
- 12 JUDGE O'CONNELL-DIAZ: Is that who he should
- 13 mail it to?
- MS. JORGENSEN: She should receive one and I
- 15 should receive one.
- JUDGE O'CONNELL-DIAZ: Do you have a service
- 17 list?
- MS. JORGENSEN: I think we did file an
- 19 appearance.
- JUDGE O'CONNELL-DIAZ: Yeah, it's on the
- 21 appearance.
- 22 You would need to serve the people

- on the service list which are noted on your
- 2 appearance form as well as our clerk's office, and
- 3 the clerk's office will make sure I receive a
- 4 copy.
- 5 MR. CRAIG LAWRENCE: Okay.
- 6 JUDGE O'CONNELL-DIAZ: And then I will
- 7 continue this matter to July 20th and that is
- 8 pending the outcome of the motion to dismiss which
- 9 I will do a Hearing Examiner's ruling on.
- MS. JORGENSEN: I have a proceeding at 10:00
- on the 20th but it shouldn't be too lengthy,
- 12 so. . .
- JUDGE O'CONNELL-DIAZ: How about 11:00
- 14 o'clock, okay? Is that good for you?
- MR. CRAIG LAWRENCE: I hope.
- JUDGE O'CONNELL-DIAZ: If there's a problem
- 17 with that -- I mean, this also is dependent on
- 18 what happens with the motion. If they win the
- 19 motion --
- 20 MR. CRAIG LAWRENCE: Then there's --
- 21 JUDGE O'CONNELL-DIAZ: -- then the case is
- 22 over with.

- 1 MR. CRAIG LAWRENCE: Okay.
- 2 JUDGE O'CONNELL-DIAZ: But assuming that
- 3 they don't, then we will meet again on the 20th.
- 4 And on that -- at that date we
- 5 would be looking at setting an actual hearing
- 6 date.
- 7 MR. CRAIG LAWRENCE: The information about
- 8 who I need to send this information to, the phone
- 9 company will -- you'll give me that information?
- 10 JUDGE O'CONNELL-DIAZ: You should have
- 11 gotten a copy of this.
- 12 MR. CRAIG LAWRENCE: I have -- this is what
- 13 I received.
- JUDGE O'CONNELL-DIAZ: You can have this.
- 15 This has the -- so you'll need to send it here and
- 16 the Chief Clerk of the Commerce Commission.
- 17 MR. CRAIG LAWRENCE: Donna Caton?
- 18 JUDGE O'CONNELL-DIAZ: Right. Uh-huh. And
- 19 that's in Springfield.
- 20 And what you will be entitling your
- 21 response, it will be complainant's response, and
- 22 I'm not going to put to the motion to dismiss

- 1 because I don't know how you're going to caption
- 2 your case, but just so you know.
- 3 MR. CRAIG LAWRENCE: Okay.
- 4 JUDGE O'CONNELL-DIAZ: All right. This
- 5 matter now is scheduled -- is set with regard to
- 6 the dispositive motion that the company has
- 7 suggested that they intend to file and set a
- 8 schedule for responses thereto and this matter now
- 9 is continued to July 20th at 11:00 o'clock,
- 10 assuming the case is not disposed of based on the
- 11 motion and the responses that are filed.
- 12 Anything else?
- MR. CRAIG LAWRENCE: I have one question,
- 14 I'm not sure if you would be able to answer for
- me, but the information that I am working off of
- is the Illinois Administrative Code that was sent
- 17 to me by your office.
- 18 And in the code, under Section G,
- 19 it says if a local exchange company has assumed
- 20 responsibility of collection for toll calls, when
- 21 they say a local exchange company, is that
- 22 Ameritech?

1	Is that who they're referring to?
2	So if Ameritech is billing for local toll charges,
3	they would be the local exchange company?
4	I understand there's, you know, you
5	can
6	JUDGE O'CONNELL-DIAZ: I would think they
7	would be the local exchange company.
8	MS. JORGENSEN: Yeah, we are.
9	MR. CRAIG LAWRENCE: So this language is
10	just referring to
11	JUDGE O'CONNELL-DIAZ: He's located in the
12	city so it's not that there is any other provider.
13	MS. JORGENSEN: Right. Right.
14	MR. CRAIG LAWRENCE: So this language is
15	just referring to the fact that in certain areas
16	there's an option to have different companies act
17	as the collector for local toll charges? But
18	they're basically referring to the company?
19	JUDGE O'CONNELL-DIAZ: The company, yes.
20	(Whereupon, further proceedings in the above-entitled matter were
21	continued to July 20, 2000, at 11:00 a.m.)